App. F. IX-4

Revenue 1926.7. G.S. File No. 7. 26.

Previous References
G.S. 7. 24. 15 & 28.
G.S. 7. 24. 20, 24, 36, 67, 66, 92, 107, 108, 109, 110, 111.
G.S. 7. 24. 122 & 129

Serial Nos. 82, 95 and 96.

Later References
G.S. 40. 25. 28, 45.
G.S. 40. 25. 46 & 49.
232-26 (1-7)

General and Revenue Secretariat.

Rev. 158-31 (1-7)
Rev. 785-41 Sec. I.

Serial Nos. Three

Part B for May 1927.

SUBJECT

Forwards 7% State Loan bond no G.00278 for Rs 5000/- and recommends that the name of "the Administrator General of Bangalore" may be notified under Section 6 (1) of the Securities Rules to hold Mysore Govt. Securities in his Official Capacity.

Secs. 95.

To The Compiler, Mysore Gazette

No. R 8856. dt 23.5.27

Notifies that the provisions of Sub-section 1 of Section 6 of the Mysore Securities Rules 1925 shall apply to the Office of "the Administrator General of Bangalore".

25/5.

Serial No.

82

From

The Comptroller no. 2760 dt 26. 3. 25.

Forwards 7% State loan bond no. 500278 for Rs 500 & recommends that the name of the Administrator-General, Bengal may be notified under Section 60 of the Securities Act to hold Mysore Govt. Securities in his official capacity. Draft acknowledging the receipt of the bond submitted

VV 31/3.

To.

By

11/4

The Comptroller no. H 77039 dt 2.4.25

Acknowledges the receipt of the bond.

Submitted. The Administrator General of Bengal is one of the officers empowered to hold on Govt. Security under Section 60 of the Indian Securities Act, 1920. (Vide page 137 of the Securities manual).

The Comptroller recommended in his letter of 20th Oct 1924 that the Accountants General, Administrators-General, Official Trustees etc may be authorised to hold Mysore Govt. Securities in their official capacity, But the Govt. notified only the name of the Adm: General, Madras.

Later on the Accountant ~~Administrator~~ General of Punjab has been notified (Vide G. 7, 40-2-49).

There is no necessity to consult the

Book [illegible]

K

R

S

NOTE Contn. Sheet

WD 01229—GPH—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat | File No | of 192 .

Serial No.

Residency. Draft notification Subd.

WW 4/4

There are two points raised by the Comptroller one of which is about recognising the Administrator Genl Bengal and permitting him to hold bonds in his official capacity. There can be no objection to this and this may be approved.

2 It is the other point that is more knotty and complicated. The bonds in question submitted by the Comptroller belong to the estate of a deceased ~~who died~~ but were never in his name and were kept for & on his behalf by the P.O. Bank. The P.O. Bank has now made over the bonds to the Adm. Genl. who has obtained a Probate in the Calcutta High Court.

The Compt desires to know whether in such cases we should ask for a Probate in our Courts.

of course this should have to be done if the bonds were in the name of the deceased but as they were never in his name I do not see how we can insist on this. The Legs Law dept may however be consulted

FINANCIAL SECRETARY
6 APR.
No. 2553

Fwd Sg

6/4

For opinion on the two points.

NOTE. Contn. Sheet

D4072

App. F. III—2]

General and Revenue Secretariat. | File No. of 192

Serial No.

raised ~~by~~ the Comptr in paras 5, 6 & 7 :
Lawday with Compliments)

h
6/4/27
R

SH 6/4.

In re para 5, the Administrator-Genl of Bengal has obtained a Probate of the will of Hira Lal.

~~The effect~~

This Probate will have effect over all the property of the deceased throughout the Presidencies of Bengal & Madras.

~~By practice~~ vide Sec 24. Ryore is included within the Presidency of Madras. (vide notifn issued in virtue of sec)

(1) Hence we cannot insist upon him obtaining Probate in our Courts.

As regards the non-mention of the deceased's name as an endorsee in the bond, no argument need be based. I see the bond stands in the name of the Bank of Ryore. ~~Below~~ The chain of endorsements are complete & the Administrator-Genl comes by it & in virtue of the Probate. ~~Below~~ Strictly Speaking we must recognize him as the legal owner of the bond

NOTE—Contn. sheet

GPB—5,000—30-3-27

Serial No.

None but the person whose name appears as a payee in a negotiable instrument can be considered as the rightful owner. Payment may be made to one who is an endorsee capable of giving a good discharge. (See M. of E. by Hindu Law p. 169)

Hence no one can establish his claim till on the ground that he is the real owner though it stands benami in the name of the Admr.-Genl.

Probate shall be conclusive evidence as to the representative title of the Admr Genl against all debtors of the Estate, & all persons holding property which belongs to the Estate shall afford full indemnity to all debtors paying their debts to the holder of the Probate.

2 Govt will be ~~protected~~ indemnified by payment to the Admr.-Genl who is the Endorsee of the bond & who has also obtained Probate.

3 As regards para 1. Admr.-Genl may be recognized.

Put up
with Compln Compln may be informed of (1) & (2) -
Action may be taken as in 3.

Draft sent for signature

8/4
29/4

8850
3.8.27

NOTE—Contn. Sheet

Serial No.

Please speak
B
6/5

Draft to Sind
WW
4/5/27

B
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7258

2nd reminder
1
13/5
B

Misc
19.5.27

Issue CR
20.5

(4)

7228
14.5.27

RECEIVED
16 MAY 1927
No. 6853

7590

NOTE—Contn. Sheet

C. O. 42. Gl.

FINANCIAL SECRETARIAT 30 MAR 1927

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 2760/S.L. / Encl. 1 bond. & copies 87 letters.

Bangalore, Dated.....26th.....March..192 7.

4074

1926 - 1927

Secy. to G.

BANGALORE.

Fin. Dept. 7.26 -82

FROM

S. SHAMANNA, ESQ., B.A.,
Comptroller to the Government of
His Highness the Maharaja of Mysore.

Draft

5152
29.3.27

To

B. Sreenivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Financial Department, Bangalore.

SIR,

In forwarding herewith 7% state loan bond No.G00278 for Rs.5,000/- and copies of the overleaf noted letters, I have the honour to state as follows:-

2. The above bond and bond No.G00277 for Rs.10,000/- in all were first tendered for sub-division by the Administrator General, Bengal. While so tendering them, he stated in his letter dated 9-11-1926, that the bonds were realized by him on the strength of the probate granted to him by the High Court, in Bengal in respect of the estate of Hiralal Singh, deceased. The probate referred to was also sent by him for being registered in this office. As the bonds did not contain an endorsement in favour of the deceased, the Administrator General was requested in para 1 of this office letter No.1585/SL dated 3-12-1926 to intimate the correct legal position.

3. The Administrator General did not reply to the above communication till February 1927, when one of the bonds in question, i.e., No.G00278, was received for sub-division from Messrs. Huson Tod & Co., Madras. The Administrator General was then reminded of this office letter. The P & O Banking Corporation who have endorsed to him in space 3 was also addressed in letter No.2334/SL dated 14-2-1927.

4. The replies received from both of them clearly indicate that the bonds in question were held by the P & O Banking Corporation on account of the deceased and that they were delivered to the Administrator General under the terms of the probate.

5. Though the bonds related to the deceased, Hiralal Singh, the bonds do not contain an endorsement in favour of the deceased. Orders are therefore solicited as to whether letters of Administration and if so from a Mysore Court of Law, are necessary to recognize the endorsement of the P & O Banking Corporation in favour of the Administrator, General.

6. Orders of Government may also be kindly communicated as to whether the Administrator General, Bengal, has jurisdiction over Mysore.

7. The Administrator General, Bengal is not one of those officers empowered to hold Mysore Government Securities in his official capacity under Section 6 (1) of the Mysore Securities Regulation 1925. As certain bonds have been negotiated by him and as he states that it would be detrimental to Mysore State if his name is not recognized, his name may be notified under the section above referred to. His contention that he can hold bonds by the name of his office even without being notified under Section 6 (1) of the Indian Securities Act appears to be untenable as his name has been included in Appendix III of the Government of India Securities Manual.

8 Receipt of the enclosures may be kindly acknowledged.

I have the honour to be,

Sir,

Your most obedient servant,

S. Ramanna

Comptroller.

1. Letter No.10529 dated 9-11-1926 from the Administrator General, Bengal.
2. Do No.10954 dated 22-11-1926 from the same Officer.
3. This office letter No;1585/SL dated 3-12-1926 to the Administrative General, Bengal.
4. This office number No.2333/SL dated 14-2-1927 to do
5. This office letter No.2334/SL dated 14-2-1927 to the P & O Banking Corporation.
6. Reply No.2014 dated 21-2-1927 from the P & O Banking Corporation.
7. Reply No.2040 dated 22-2-1927 from the Administrator General, Bengal.

(1) Letter No.10529 dated 9th November 1926, from the Administrator General of Bengal, to the Comptroller to the Government of Mysore.

Estate:Hira Lall Singh.

Re:- 7% Mysore Loan 1931.

I have to state for your information that the deceased abovenamed died leaving a Will and that Probate thereof has been granted to me by the High Court of Judicature at Fort William in Bengal. I have, on the strength of the grant, realised on account of the assets of the above estate two pieces of 7% Mysore Loan 1931 (Free of Income tax) of the face value of Rs.5000/- each.

I have further to state that these securities are divisible amongst six beneficiaries of the estate in equal shares so that each beneficiary should get one piece of the ~~face~~ face value of Rs.1,600/-, I have accordingly to subdivide the securities in smaller pieces.

I enclose herewith the Probate of the Will of the deceased abovenamed for registration in your books as also the upper halves of the said two pieces of securities as per memo at foot, for subdivision in the manner indicated in the cages for endorsement. On your acknowledging receipt of the upper halves of the securities and the Probate I will send the lower halves thereof.

I shall be obliged if you will return the securities duly subdivided into smaller pieces as also the Probate as early as possible.

Memo showing upper halves of securities.

1. 7% Mysore Loan 1931 No.G00277 for Rs.5,000/-
1. do do G00278 for Rs.5,000/-

"Copy".

Superintendent, S.L. Section,
Comptroller's office, Bangalore.

(2) Letter No.10954 dated 22nd November 1926 from the Administrator General of Bengal to the Comptroller in Mysore, Bangalore.

I have the honour to acknowledge receipt of your memo No.A616/SC dated the 15th instant, acknowledging receipt of this office letter No. 10529, dated the 9th idem, and the upper halves of 7% Loan for Rs.10000/-, as also the Probate of the Will of the deceased.

I send you enclosed the lower halves of the said 7% Loan Nos. G00277 and G00278 of 1931 for Rs.10000/- and shall be obliged if you will send me the securities sub-divided as requested, while returning the Probate of the Will registered in the books of your office.

Enclo:- Lower halves of 7% Loan for Rs.10000/-.

---

(3) Letter No.1585/SL dated 3-12-1926 from the Comptroller to the Government of Mysore to the Administrator General of Bengal, Calcutta.

With reference to your letters Nos.10529 and 10954 dated 9-11-1926 and 22-11-1926 respectively forwarding upper and lower halves of 7% state loan bonds Nos.G00277-78 for Rs.5000/- each and probate granted by the High Court, Bengal, in respect of the estate of Hiralal Singh deceased, I have the honour to state as follows:-

1. The bonds in question do not contain an endorsement in favour of the deceased but have been endorsed over to you by the P & O Banking Corporation. According to the Law in force in Mysore, state loan bonds of a deceased holder can be transferred only on the strength of a certificate obtained from a Mysore Court of Law except when the total holdings of the deceased do not exceed Rs.5000/-. If the P & O Banking Corporation have endorsed the bonds on the strength of the Probate sent by you, they will have acted irregularly. I shall be glad if you would kindly explain the correct position in the light of the above legal aspect.

2. As regards the subdivision of the bonds, the undermentioned requirements may be kindly attended to:-

a. The power of attorney in favour of the Sub Manager who has signed for the P & O Banking Corporation may be kindly caused to be sent to this office for being registered. If the power has not already been stamped with Mysore Stamps, a sum of Rs.7-8-0 will have to be remitted

remitted to this office for getting the document so stamped. Specimen signature of the power holder is also necessary.

(b) Bonds of the denominations desired by you are not issued. If you so desire, you can have in lieu of these two notes, bonds as hereunder - 6 bonds each for Rs.1000/-

6 Do 500/-

10 Do 100/-

The above is the minimum number of bonds that can be issued to you to enable the distribution proposed in your letter. For so issuing bonds a sum of Rs.14-8-0 will have to be remitted towards fees for sub-division The form of receipt to be written on the bonds is also indicated in pencil on them.

(c) The present sub-division receipt may be cancelled and initialled by you.

(d) If, however, you so desire stock certificates of any denomination you require can be issued to you provided they are multiples of Rs.12-8-0.

(e) As, under the rules framed under the Mysore Securities Regulation which corresponds to Section 6(1) of the Government of India Securities Act the Administrator General, Bengal is not one of the officers empowered by the Mysore Government to hold Mysore Government Securities in his official capacity, you can yourself move to Government of His Highness the Maharaja of Mysore in the matter or if you so desire this office will address Government.

The two bonds and probate under reference are herewith returned, their receipt may be kindly acknowledged.

"Copy".

Superintendent, S.L. Section,

Comptroller's Office, Bangalore.

(4) Letter No.2333/SL dated 14-2-1927 from the Comptroller to the Government of Mysore, to the Administrator General of Bengal, Calcutta.

I have the honour to invite kind reference to para 1 of this office letter No.1585/SL dated 3-12-1926 in the matter of the two 7% state loan bonds Nos.G00277-78 for Rs.5000/- each said to have been realized out of the estate of Hiralal Singh, deceased and to request you to kindly favour me with an early reply.

---

(5) Letter No.2334/SL dated 14-2-1927 from the Comptroller to the Government of Mysore, to the P & O Banking Corporation, Ltd., Calcutta.

Two 7% Mysore state loan bonds Nos.G00277-78 for Rs.5000/- each bearing endorsements by you in favour of the Administrator General of Bengal, have been received in this office. The Administrator General of Bengal, has stated in his letter addressed to this office that on the strength of the probate granted to him by the High Court, at Calcutta the above bonds were realized on account of the assets of the estate of Hira Lall Singh, deceased. The probate in question was also sent for being registered in this office.

The bonds bear no endorsements in favour of the deceased and as such there is no indication on them to the effect that they related to Hiralal singh. I am , therefore, to request you to kindly intimate at your earliest convenience if the bonds were held by you in trust on behalf of the deceased or if they were purchased by the Administrator General for the estate of the deceased.

---

(6) Letter No.3014 dated 21-2-1927 from the P & O Banking Corporation, Limited, Calcutta, to the Comptroller in Mysore, Bangalore.

7% Mysore Government Loan 1931 Nos.G00277-78 for Rs.10,000/-

Account H.L. Sing (decd.)

With reference to your letter No.2334/SL of 14th instant the above bonds were held by us on account of the above deceased and were delivered to the Administrator General of Bengal on 14th September last under terms of the Probate granted by the High Court of ---

Court
~~Court~~ of Calcutta.

"Copy".

Superintendent, S.L. Section,
Comptroller's Office, Bangalore.

7) Letter No.2040 dated 22nd February 1927 from the Administrator General of Bengal, to the Comptroller to the Government of Mysore.

I have to acknowledge receipt of your No.2333/SL dated the 14th instant, which is written by way of a reminder to your letter of the 3rd December. This reminder I presume has been addressed to me because certain securities which were sent to you for sub-division were subsequently sold by me through Messrs. Stewart & Co. Stock Prokers of this city who purchased them on behalf of their Agents Messrs. Huson Tod & Co, of Madras. Bearing in mind the fact that subsequent to your letter of the 3rd December I decided to sell the securities I did not think it necessary to deal with the various points you raised in your letter of 3rd December, but may I point out to you that you are completely in error so far as law is concerned.

My office qua Administrator General of Bengal is governed by an Act of the Legislative Council of India being Act III of 1913 and by Notification re: the territorial jurisdictions of the several Administrators General and Official Trustees constituted by Act III of 1913 (the Administrator General's Act, and Act II of 1913, the Official Trustee's Act) the State of Mysore is included in the definition of the Presidency of Madras.

Under the provision of the Administrator General's Act when I applied for the grant I asked for that grant to extend not only throughout the Presidency of Bengal as defined by the Act but also throughout the Presidency of Madras. The grant has already been before you and under and by virtue of that grant I am entitled to deal with any property although it may be situate in Madras. Even assuming that there was other property situate in Bombay as defined by my Act I would have had the grant extended to that Presidency and under such grant I would be entitled to realise the assets even in that Presidency.

As regards the next point you raise, namely, that I have not qua Administrator General power to hold securities in my official name, here I may again state you are in error. You have referred me to Section 6(1) of the Indian Securities Act of 1920 and if your construction of that section be correct it would mean that I could not hold either qua Administrator General or Official Trustee any securities at all although such securities may be issued by the Government of India and your loan

loan as I understamd was in fact issued with the sanction of the Government of India.

You however apparently are ignorant of the provisions of the Administrator General's Act, and under that Act all the Administrators General are constituted corporation soles with perpetual succession. It is also expressly provided that the entry of the name of the Administrator General shall not constitute notice of a trust. In these circumstances I do not think that you are entitled to object to recognise the endorsement by the Administrator General. The securities themselves belonged to Hira Lal Singh and they were held by the P & O Banking Corporation on his behalf. On his death I registered the grant and obtained possession of the securities and naturally the P & O Banking Corporation endorsed these securities over to me qua Administrator General of Bengal which is quite in order.

I may in conclusion add that if your argument be sound then I have no right whatsoever either to be a registered holder of the Mysore Loan, qua Official Trustee of Bengal, whereas I am in fact so registered in another case and the interest on these securities is being paid to me as Official Trustee. I would also here like to add that at the time the Notification was issued in connection with the Mysore Loan it was stated that they were trustee investments. If therefore your argument be sound they cannot be held as trustee investment and this would certainly be detrimental to the Mysore State. I must therefore request you to recognise the endorsement and if you desire me to again forward the grant to you for registration I will do so.

P.S. It would also perhaps be advisable for me to refer to Section 24 of the Administrator General's Act. That Section says that Probate or letters of Administration granted by the High Court at any Presidency town to the Administrator General of any Presidency shall have effect over all the assets of the deceased throughout such Presidency and it is further provided that the High Court may direct by its grant that such Probate or Letters of Administration shall have like effect throughout one or more of the other Presidencies and as already pointed out Mysore is within the Presidency of Madras for the purpose of the Administrator General's Act and this grant has been extended throughout the Presidency of Madras.

--- "copy." J. Clements
Jr Superintendent, S. L. Section.

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Section G. 7

File No. -1-26

Serial No.

No. PL 7703

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *192*

To

The Comptroller to Govt

Date of issue 2. 4. 27

Signed by Mr B. S. Rao

Sir,

I am directed to acknowledge the receipt of 7% State loan bond no. G 00 278 for Rs 5000/ forwarded with your letter no. 2760/S. 2 dt 26. 3. 27.

I have etc

By

for Pl: Secy to Govt

WW

List of enclosures.....

Copied by.....

Examined by .....

over

2/4/27

APP. F. VI. Cl.]

2 Drafts

SUBJECT.....

.....

.....

Section G. 77

File No. 7-26

Serial No. 95

No. H 8852/

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

.....Notification.....

The Govt. of His Highness the Maharaja are pleased to declare that the provisions of Sub-section 1 of Section 6 of the Mysore Securities Regn. 1925, shall apply to the office noted below:-

The Administrator-General, Bengal.

By order,

Sd/- J. Secy to Govt, Fl: Deptt

Date of issue.....23.5.27.....

Signed by.....M.B.S.....

List of enclosures.....

Copied by.....

Examined by.....

To.

The Compiler, Mysore Gazette, for publication.

Copy of ~~the above is forwarded~~

over

WD 01265—GPB—31,000—24-12-25

of Madras.

2. The probate now obtained is conclusive evidence as to the representative title of the Administrator General against all debtors of the deceased Hiralal and all persons holding property belonging to him and shall afford full indemnity to all debtors paying their debts to the holder of the probate.

3. A copy of the notification empowering the Administrator General of Bengal to hold Mysore Securities in his official capacity issued by Govt. is enclosed for information.

4. The bond received with your letter under reply is herewith returned.

I have etc

for Secy to Govt
H: Deptt

with compliments to the Comptroller to Govt. with reference to his letter no. 2760/S. L. dt 26.8.27 with the bond no. 600278 for Rs 5,000.

By order,

WW

Fl: Secy to Govt

APP. F. VI. Gl.]

SUBJECT 2 Duplts

Section G.J
File No. 7-26
Serial No. 96.
No. H 885-7/26 3

Diary No. of letter replied to.....

To

The Comptroller,
Mysore Govt.

General and Revenue Secretariat
( )
the 192

Date of issue 23.6.27

Signed by E.E.B
M. Bhatt.

Sir,

With reference to your letter no. 2760/S.L. & 26th March 1927 regarding the Probate of the will of Hiralal, I am directed to state that there is no necessity to insist on the obtaining of a probate in the Mysore Courts, as the probate granted by the High Court in Bengal will have effect over all the property of the deceased throughout the Bengal & Madras Presidencies & as Mysore also is included within the Presidency

forward herewith the note of opinion of the Law Dept & Advocate General in the matter & request you to take action accordingly

P.T.O.

List of enclosures..... (5/4/27)

Copied by..... 15/5

Examined by..... 21/5/27